

AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 1

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UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

ROBERT BARKMAN

JUDGMENT IN A CRIMINAL CASE

DISTRICT OF NEVADA

Case Number: 3:19-CR-00052-RCJ-WGC

USM Number: 56113-048

Christopher Frey, AFPD

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE OF THE CRIMINAL INFORMATION☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
16 USC §§1583(a)(1)(F)			
and 1540(b)(1)	Sale and Interstate Shipment of Endangered Species	4/2/2016	one
18 USC § 2	Aiding and Abetting		

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/22/2020

Date of Imposition of Judgment

Signature of Judge

ROBERT C. JONES, UNITED STATES DISTRICT JUDGE

Name and Title of Judge

February 6, 2020

Date

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DEFENDANT: ROBERT BARKMAN
CASE NUMBER: 3:19-CR-00052-RCJ-WGC

PROBATION

You are hereby sentenced to probation for a term of:

ONE (1) YEAR

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☐ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: ROBERT BARKMAN
CASE NUMBER: 3:19-CR-00052-RCJ-WGC

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: ROBERT BARKMAN
CASE NUMBER: 3:19-CR-00052-RCJ-WGC

ADDITIONAL PROBATION TERMS

1. **INTERMITTENT CONFINEMENT** - You must serve a total of SIXTY (60) days of intermittent confinement. The intermittent confinement shall be served for TWO (2) consecutive days (Tuesday and Wednesday) at a facility designated beginning on Tuesday, February 11, 2020 at 8:00 a.m. You must follow the rules and regulations of the facility.

The Court recommends that the defendant be designated to Washoe County Detention Facility.

2. **EMPLOYMENT RESTRICTIONS** - You must not engage in an occupation, business, or profession, or volunteer activity that would require or enable you to associate with any taxidermy firm without the prior approval of the probation officer.

3. **COMMUNITY SERVICE** - You must complete ONE HUNDRED (100) hours of community service within twelve (12) months. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.) You must provide written verification of completed hours to the probation officer.

DEFENDANT: ROBERT BARKMAN
CASE NUMBER: 3:19-CR-00052-RCJ-WGC**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 25.00	\$ 0.00	\$ 1,500.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$	0.00	\$	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the fine restitution.

☐ the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Yes



No

DEFENDANT: ROBERT BARKMAN
CASE NUMBER: 3:19-CR-00052-RCJ-WGC**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payment of \$ 1,525.00 due immediately, balance due
not later than _____, or
in accordance with C, D, ☒ E, or F below; or
- B** ☐ Payment to begin immediately (may be combined with ☒ C, D, or F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number
Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

Corresponding Payee,
if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
SEE ATTACHED ORDER OF FORFEITURE

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

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☐ Yes ☒ No

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JAN 22 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT BARKMAN,

Defendant.

3:19-CR-052-RCJ-WGC

Preliminary Order of Forfeiture

This Court finds Robert Barkman pled guilty to Count One of a One-Count Information charging him with sale and interstate shipment of endangered species in violation of 16 U.S.C. § 1538(a)(1)(F). Information, ECF No. 1; Plea Agreement, ECF No. __; Change of Plea, ECF No. __.

This Court finds Robert Barkman agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Information. Information, ECF No. 1; Plea Agreement, ECF No. __; Change of Plea, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Information and the offense to which Robert Barkman pled guilty.

The following property is (1) all fish or wildlife or plants taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of 16 U.S.C. § 1538(a)(1)(F), any regulation made pursuant thereto, or any permit or certificate issued hereunder and (2) all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of

1 transportation used to aid the taking, possessing, selling, purchasing, offering for sale or
2 purchase, transporting, delivering, receiving, carrying, shipping, exporting, or importing of
3 any fish or wildlife or plants in violation of 16 U.S.C. § 1538(a)(1)(F), any regulation made
4 pursuant thereto, or any permit or certificate issued thereunder, and is subject to forfeiture
5 pursuant to 16 U.S.C. § 1540(e)(4)(A) with 28 U.S.C. § 2461(c):

- 6 1. I-1, one skull;
- 7 2. I-2, one skull;
- 8 3. I-3, tooth pendant kit with teeth;
- 9 4. I-4, three skin scalps, one bag with nine teeth, one bag with ten teeth/tusks, eight
10 teeth/tusks, one bag with eighteen teeth and one bag with thirteen teeth;
- 11 5. J-1, one bag of sixty claws, one bag with nine claws, one bag with four teeth, and
12 one bag with four teeth;
- 13 6. J-2, one claw;
- 14 7. F-1, one four teeth and five claws;
- 15 8. F-2, one skull;
- 16 9. F-3, one skull;
- 17 10. F-4, one skull;
- 18 11. F-5, one skull;
- 19 12. F-6, one piece of bone;
- 20 13. E-1, one bag with one spotted cat pelt;
- 21 14. S-1, one shipping box with label

22 (all of which constitutes property).

23 This Court finds that the United States of America may amend this order at any time
24 to add subsequently located property or substitute property to the forfeiture order pursuant
25 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

26 This Court finds the United States of America is now entitled to, and should, reduce
27 the aforementioned property to the possession of the United States of America.

28 / / /

1 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
2 DECREED that the United States of America should seize the aforementioned property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
4 rights, ownership rights, and all rights, titles, and interests of Robert Barkman in the
5 aforementioned property are forfeited and are vested in the United States of America and
6 shall be safely held by the United States of America until further order of the Court.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
8 of America shall publish for at least thirty (30) consecutive days on the official internet
9 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
10 describe the forfeited property, state the time under the applicable statute when a petition
11 contesting the forfeiture must be filed, and state the name and contact information for the
12 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
13 and 21 U.S.C. § 853(n)(2).

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
15 or entity who claims an interest in the aforementioned property must file a petition for a
16 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
17 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
18 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
19 right, title, or interest in the forfeited property and any additional facts supporting the
20 petitioner's petition and the relief sought.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
22 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
23 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
24 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
25 after the first day of the publication on the official internet government forfeiture site,
26 www.forfeiture.gov.

27 / / /

28 / / /

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
2 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
3 Attorney's Office at the following address at the time of filing:

4 Daniel D. Hollingsworth
5 Assistant United States Attorney
6 James A. Blum
7 Assistant United States Attorney
8 501 Las Vegas Boulevard South, Suite 1100
9 Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is issued by
12 the appropriate agency following publication of notice of seizure and intent to
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record.

16 DATED 1-22-, 2020.

17 
18 HONORABLE ROBERT C. JONES
19 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
January 21, 2020.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Contractor Paralegal